

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re:

ORLY GENDER
(Debtor)

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§

Case No. 19-10926-TMD
Chapter 7

**DEBTOR'S MOTION FOR ENTRY OF AN ORDER EXTENDING THE TIME
TO FILE (I) SCHEDULES OF ASSETS AND LIABILITIES, AND
(II) STATEMENTS OF FINANCIAL AFFAIRS**

TO THE HONORABLE TONY M. DAVIS, UNITED STATES BANKRUPTCY JUDGE:

Orly Genger (“*Debtor*”) files this motion (the “*Motion*”) pursuant to sections 105(a) of title 11 of the United States Code (the “*Bankruptcy Code*”), Rules 1007 and 9006 of the Federal Rules of Bankruptcy Procedure (the “*Bankruptcy Rules*”), and Rule 1007 of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Western District of Texas (the “*Local Rules*”) for entry of an order extending the time to file: (i) Schedules of Assets and Liabilities; and (ii) Statements of Financial Affairs. In support of the Motion, the Debtor respectfully represents:

JURISDICTION AND VENUE

1. The Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

2. On July 12, 2019 (the “*Petition Date*”), Debtor commenced a case under chapter 7 of the Bankruptcy Code.

RELIEF REQUESTED

3. Debtor requests entry of an order (i) granting the Debtor a total of 14 days from the date of the entry of an order on this Motion (the “*Extension Period*”) to file the Schedules and

Statements (as defined below), without prejudice to the Debtor's ability to request an additional extension of time should it become necessary, and (ii) granting such other and further relief as is just and proper.

BASIS FOR RELIEF REQUESTED

A. Cause Exists to Extend the Deadline to File the Schedules and Statements

4. Pursuant to section 521 of the Bankruptcy Code and Bankruptcy Rule 1007(c), a debtor is required, within 14 days from the Petition Date (the “***Schedules Deadline***”), to file with the Court: (i) a schedule of assets and liabilities; (ii) a schedule of current income and expenditures; (iii) a schedule of executory contracts and unexpired leases; and (iv) a statement of financial affairs (collectively, the “***Schedules and Statements***”). Under Bankruptcy Rules 1007 and 9006(b), however, the debtor may obtain an extension of this deadline for cause.

5. The size and complexity of the Debtor's financial situation will make it difficult for the Debtor to complete the Schedules and Statements within the required time period. Because of the nature of information that must be compiled and reviewed, the Debtor believes that she will be unable to complete the Schedules and Statements within the time provided under Bankruptcy Rule 1007.

6. Accordingly, given the complexity of the information that must be compiled and reviewed, the Debtor submits that “cause” exists to extend the Schedules Deadline 14 days from the date of the entry of an order on this Motion. The requested extension and waiver will enhance the accuracy of the Schedules and Statements and avoid the necessity of substantial subsequent amendments.

7. Bankruptcy courts in Texas have routinely granted the relief requested in this Motion. *See, e.g., In re Little River Healthcare Holdings, LLC*, Case No. 18-60526 (Bankr. W.D. Tex. July 30, 2018) (granting 60-day extension); *In re Houston Regional Sports Network, L.P.*,

Case No. 13-35998 (Bankr. S.D. Tex. Feb. 21, 2014) (granting 28-day extension); *In re TXCO Resources Inc., et al.*, Case No. 09-51807 (Bankr. W.D. Tex. May 20, 2009) (granting 30-day extension); *In re Spectrum Jungle Labs Corp.*, Case No. 09-50455 (Bankr. W.D. Tex. Feb. 6, 2009) (granting 90-day extension and waiving requirement to file Schedules and Statements); *In re Brook Mays Music Co.*, Case No. 06-32816 (Bankr. N.D. Tex. July 12, 2006) (granting 30-day extension); *In re OneTravel Holdings, Inc.*, Case No. 06-70085 (Bankr. W.D. Tex. July 20, 2006) (granting 30-day extension); *In re RTA, LLC*, Case No. 04-53391 (Bankr. W.D. Tex. Feb. 19, 2004) (granting 30-day extension); *In re Avado Brands, Inc.*, Case No. 04-31555 (Bankr. N.D. Tex. Feb. 19, 2004) (granting 45-day extension); *In re Mirant Corp.*, Case No. 03-46590 (Bankr. N.D. Tex. July 16, 2003) (granting 60-day extension).

8. Based on the foregoing, Debtor submits that the relief requested is necessary and appropriate, is in the best interests of their estates and creditors, and should be granted.

NOTICE

9. The Debtor has provided notice of the filing of the Motion either by electronic mail, facsimile, overnight mail or regular mail to: (i) the Office of the United States Trustee for the Western District of Texas; (ii) the Debtor's 20 largest unsecured creditors on a consolidated basis; (iii) the interim trustee, Ron Satija, all parties entitled to notice pursuant to Bankruptcy Rule 2002 and Local Rule 9013. Due to the nature of the relief requested herein, the Debtor submits that no other or further notice is required.

NO PRIOR REQUEST

10. No prior request for the relief sought in this Motion has been made to this or any other court.

WHEREFORE, the Debtor respectfully requests that the Court grant the relief requested herein and such other and further relief as the Court may deem just and proper.

DATED: July 24, 2019
Austin, Texas

Respectfully submitted,

WALLER LANSDEN DORTCH & DAVIS, LLP

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CERTIFICATE OF SERVICE

The foregoing was served on all persons on the attached list via first class mail on July 25, 2019 and upon the parties receiving the Court's ECF notifications on July 24, 2019.

/s/ Eric J. Taube
Eric J. Taube

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